

**Serial No. 10/688,6688
UTILITY PATENT**

**Amend. In Resp. to Off. Act. of July 25, 2005
B&D No. TN3305**

Amendments to the Drawings:

The attached sheets of drawings include changes to FIGS. 10 and 26A. These sheets, which include FIGS. 9-11 and 26A-26B, replace the original sheets including FIGS. 9-11 and 26A-26B.

Attachment: Replacement Sheets

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REMARKS

Applicants have amended Claim 1. Currently pending in the application are Claims 1-5.

The Examiner objected to the drawings under 37 CFR § 1.84(p)(5) because reference numeral "116" does not appear in the Specification. In response, Applicants have amended FIG. 26A to delete such reference numeral, and insert instead reference numeral "11L."

The Examiner also objected to the drawings under 37 CFR § 1.84(p)(4) because reference numeral "41ER" has been used to designate both a rib and a rod in FIGS. 10-11, respectively. In response, Applicants have amended FIG. 10 and the specification to designate the rib with reference numeral "41ERR."

The Examiner objected to Claim 1 as the phrase "movable in direction" should be -- movable in a direction--. In response, Applicants have amended Claim 1 as suggested by the Examiner.

The Examiner rejected Claim 1 as the phrase "the support assembly" lacks proper antecedent basis. In response, Applicants have amended Claim 1 to explicitly provide an antecedent basis.

The Examiner rejected Claims 1-4 under 35 USC § 102(b) as being anticipated by US Patent No. 6,272,961 ("Lee"). In addition, the Examiner rejected Claim 5 under 35 USC § 103(a) as being unpatentable over Lee in view of US Patent No. 2,691,398 ("Klingens"). Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 1, as amended, calls for a saw comprising a base, a frame assembly disposed on the base, a first rail disposed on the frame assembly, the first rail having a longitudinal axis, a table

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slidingly disposed on the first rail, the table being movable in a direction substantially parallel to the longitudinal axis, a saw assembly disposed on at least one of the base and the frame assembly, the saw assembly comprising a support assembly, a motor assembly pivotably supported by the support assembly, the motor assembly being pivotable about a pivot axis substantially parallel to the longitudinal axis, and a cutting wheel driven by the motor assembly, the cutting wheel having a plane substantially parallel to the pivot axis, and a switch electrically connected to the motor assembly and disposed on the support assembly so that, when the motor assembly is pivoted about the pivot axis, the switch remains stationary.

Admittedly, the Lee saw has most of the elements claimed in Claim 1. However, the Lee saw does not have a switch that remains stationary when the motor is pivoted about a pivot axis. Instead, the switch 45 rotates along with the motor assembly when the motor is pivoted about a pivot axis. This can be plainly seen by comparing the positions of switch 45 in FIGS. 2 and 6 of Lee.

This movement occurs because switch 45 is mounted the motor assembly, rather than the support assembly. The Examiner identified to be support assembly elements 23 and 63 in Lee. Applicants accept that the support assembly includes element 23. However, element 63 cannot be part of the support assembly. Why? Because the motor assembly is required by Claim 1 to be "pivotably supported by the support assembly, the motor assembly being pivotable about a pivot axis." Being that the motor assembly is not pivotably supported by or pivotable relative to element 63, element 63 cannot be considered part of the support assembly.

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Accordingly, the switch is not disposed on the support assembly, but on the motor assembly. Furthermore, the switch moves when the motor assembly is pivoted.

By contradistinction, Claim 1 requires "a switch electrically connected to the motor assembly and disposed on the support assembly so that, when the motor assembly is pivoted about the pivot axis, the switch remains stationary." Because Lee does not disclose such arrangement, it cannot anticipate Claim 1 or its dependent claims.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 1-5 are respectfully requested.

No fee is due for the present amendment. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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